

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MAJOR EDWARD FERGUSON,

Plaintiff,

v.

VETERANS AFFAIRS NEW JERSEY
HEALTH CARE SYSTEM,

Defendant.

Civil No. 08-4351 (GEB)

ORDER

This matter having come before the Court upon the September 29, 2008 Report and Recommendation of the Honorable Magistrate Judge Bongiovanni recommending the denial of Plaintiff Major Edward Ferguson's ("Plaintiff") motion for a preliminary injunction against Defendant Veterans Affairs New Jersey Health Care System ("Defendant"); and the Court having reviewed the report and recommendation and the record; and the Court having determined that the Court now has jurisdiction given that Plaintiff's appeal has been dismissed; and the Court having noted that Plaintiff has not filed objection with this Court in regard to the report and recommendation; and the Court having decided the matter without oral argument pursuant to Federal Rule of Civil Procedure 78;

IT IS THIS 23rd day of March, 2009,

ORDERED that this matter be reopened; and it is further

ORDERED the Court will adopt Judge Bongiovanni's Report and Recommendation; and it is further

ORDERED that Plaintiff's motion for a preliminary injunction is denied.

s/ Garrett E. Brown, Jr.
GARRETTE E. BROWN, JR., U.S.D.J.